

REMARKS/ARGUMENTS

Claims 1-33 are pending in the application and stand rejected.

Claims 1, 18, 29, and 30 are objected to based on informalities.

Claim 1 is rejected under 35 U.S.C. 103 as being unpatentable over United States Patent 4,999,766 to Peters et al. (hereinafter "Peters") in view of United States Patent Application Publication 2003/192040 to Vaughan.

Claims 2-3, 5-12, 15, 18-26, and 29-30 are rejected under 35 U.S.C. 103 as being unpatentable over Peters in view of Vaughan and further in view of United States Patent Application Publication 2002/0163910 to Wisner et al. (hereinafter "Wisner").

Claims 31-33 are rejected under 35 U.S.C. 103 as being unpatentable over Peters in view of Vaughan and further in view of Wisner and further in view of United States Patent Application Publication 2002/0143976 to Barker et al. (hereinafter "Barker").

Claims 1, 12, 18, 20-21, and 24 are amended. Claims 5, 22, and 25-26 are canceled without prejudice or disclaimer. Support for the amendments can be found throughout the application. For example, among other places, support for the amendments can be found at [36], [37], [38], and [48] and with reference to Figs. 2-6. No new matter has been added.

As discussed below, Applicant respectfully submits that the cited references, whether taken alone or in combination, fail to disclose each and every element as set forth in the claims. In addition, it is respectfully submitted that the proposed combination of Peters and Vaughan would render Peters unfit for its intended purpose and that a person of skill in the art would therefore not be motivated to make the combination. Reconsideration and allowance of the pending claims is respectfully requested.

I. Claim Objections

Claims 1, 18, 29, and 30 are objected to as lacking the words "computer-implemented" in their respective preambles. No basis for the objection is provided. Applicant respectfully submits that "A method for..." is a proper claim format and that method claims need

not be limited to "computer-implemented" methods. Accordingly, withdrawal of the objection is respectfully requested.

A. Claim 1

Claim 1 recites a method of distributing data among a plurality of data storage systems. The method comprises "producing profile information for a first data object that is stored in a first data storage system...communicating said profile information from the first data storage system to at least one second data storage system." The method comprises "calculating an interest metric at each of said at least one second data storage systems based on said profile information" and "receiving interest metrics at said first data storage system from said at least one of said second data storage systems...and communicating said first data object from the first data storage system to the first N of said target second data storage systems." The cited references do not disclose or suggest at least these claimed limitations.

Peters discusses a system for maintaining consistent filename conventions across multiple hosts and workstations. See, Abstract. A file profile table is stored at the workstations and used to simplify the transfer of files between different types of systems. See, Peters at col. 4, lines 22-28. Unlike the claimed invention, it is the user of the system that directs where to transfer the files. Peters' profile information helps to simplify the copy operation itself, but it has nothing to do with selecting the transfer destination of the files. See, Peters at col. 5, lines 4-47; See, Fig. 2 (showing the file transfer user interface).

The Office Action concedes that Peters does not disclose communicating the profile information from the workstation computer. The Office Action also acknowledges that Peters does not disclose that second computers calculate interest metrics based on the file profile. Vaughan is cited for these limitations. See, Office Action at page 3.

Vaughan discusses an automated software distribution system. According to Vaughan, a profile of a target computer is generated. See, Vaughan at [0015]. The computer-profile is then sent to a "centralized resource" which selects software based on the computer profile and downloads it to the target computer. See, Vaughan at [0016]. This process is

intended to permit configuration by a user who does not have extensive knowledge of the system that is being configured.

Vaughan does not disclose or suggest communicating “profile information” as claimed. Vaughan’s profile is a computer profile and includes information about the operating system (e.g., NT, Linux, etc), hardware (e.g., Laserjet, Deskjet, etc.) and initial software. See, Vaughan at [0018]-[0019]. Vaughan does not disclose profile information associated with the content of a data object, and does not disclose or suggest “communicating said profile information from the first data storage system to at least one second data storage system.”

The cited references also fail to disclose selection criteria comprising “information specific to said each of said at least one second data storage systems, said information including keywords received from a user at said each of said at least one second data storage systems.” There is no mention in the references of using site-specific keywords in connection with calculating an interest metric as claimed.

Next, the cited references fail to disclose first and second data storage systems as claimed. That is, the cited references do not teach or suggest “communicating said profile information *from the first data storage system* to at least one second data storage system...receiving interest metrics *at said first data storage system* from said at least one of said second data storage systems...communicating said first data object *from the first data storage system* to the first N of said target second data storage systems” (emphasis added).

Peters does not disclose that profile information is communicated from a first computer to one or more second computers. Therefore, Peters does not disclose the claimed first computer which communicates profile information for a first data object, receives interest metrics calculated based on the profile information, and also communicates the first data object to one or more second data storage systems.

Vaughan likewise fails to disclose or suggest the claimed first and second data storage systems. In particular, Vaughan simply discloses that the first computer communicates the profile and that the second computer supplies the software. Vaughan does not disclose that the first computer receives interest metrics from the second computer or that it communicates a

first data object to the second computer based on the interest metrics. Put simply, Vaughan's first computer is the destination of the software - not its source. See, Vaughan at [0016]-[0022] ("In step 110, an operating environment of a first computer system is analyzed automatically...a profile based on the operating environment is created...The profile is sent to a second computer system...The second computer system selects compatible software (e.g., a device driver) based on the profile...software compatible with the profile is received.").

The cited references also fail to disclose producing an ordered set of target data storage systems based on interest metrics or that a first data object is communicated to the first N of said target data storage systems. Specifically, the combined references do not teach or fairly suggest "producing an ordered set of target second data storage systems based on said interest metric...and communicating said first data object from the first data storage system to the first N of said target second data storage systems in said ordered set." Thus, whether taken alone or in combination, the cited references do not disclose or suggest at least a first data storage system as claimed.

Finally, Applicant respectfully submits that modifying Peters with Vaughan as proposed in the Office Action would render Peters unfit for its intended purpose. Peters discloses a user-directed file transfer. That is, the user decides which files will be transferred and to where they will be transferred. This is explicitly described in connection with the file-transfer user interface. See, col. 5, lines 4-26. The Office Action proposes to modify Peters such that the destination of the file transfer would depend upon interest metrics. Applicant respectfully submits that this is completely contrary to Peters' teachings and that such a modification would defeat the purpose of allowing a user to specify the destination of his/her files. At the very least, this would fundamentally and impermissibly change Peters' principle of operation. A person of skill in the art would therefore not be motivated to make the combination. Accordingly, withdrawal of the rejection under 35 USC 103 is respectfully requested.

B. Claims 12, 18, 20, 24, 29, 30

Independent claims 12, 18, 20, 24, 29, and 30 each recite limitations similar to those discussed in connection with claim 1 and each is therefore allowable over Peters and

Vaughan for at least the reasons previously given. Tertiary reference Wisner is not cited for, and does not disclose, either profile information or interest metrics. Accordingly, Wisner does not cure the defects of Peters and Vaughan.

Claim 12 recites additional features not found in the cited references. In particular, claim 12 recites a data processing component configured to “select at least one candidate data server to receive said first data object based upon the interest metrics such that a candidate data server is selected if its corresponding interest metric exceeds a predetermined threshold.” The cited references do not disclose or fairly suggest a predetermined threshold as claimed.

Claim 20 recites additional features not found in the cited references. In particular, claim 20 recites a replicator component operative to “selectively communicate said data object to a candidate target data center if its interest metric exceeds a predetermined threshold.” The cited references do not disclose or suggest selectively communicating a data object if its interest metric exceeds a predetermined threshold.

Claim 24 recites additional features not found in the cited references. Specifically, claim 24 recites a replicator component operative to “produce a plurality of interest metrics based on said collection of selection criteria and on said profile data, each interest metric corresponding to a data center in said plurality of data centers.” The cited references do not disclose or suggest producing a plurality of interest metrics corresponding to a plurality of data centers.

Claims 29-30 recite features not found in the cited references. Specifically, claim 29 recites “receiving interest information from a plurality of distinct second data storage systems specifying one or more *categories of information requested for storage* at each of said plurality of second data storage systems” (emphasis added). Claim 30 recites “receiving at the directory server interest information from a plurality of second data storage systems specifying one or more *categories of information requested for storage* at each of said plurality of second data storage systems” (emphasis added). The cited references do not disclose categories of information requested for storage at a plurality of second data storage systems.

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C. Dependent claims

Each of the dependent claims depends from and incorporates the limitations of one of the independent claims discussed above. Accordingly, each of the dependent claims is believed allowable over the cited references for at least the reason that it depends from an allowable base claim.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 858-350-6100.

Respectfully submitted,



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